

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONNIE O. SLOAN,
Plaintiff,

vs

CENTRAL VICE CONTROL SECTION
MID-LEVEL DRUG UNIT, et al.,
Defendants.

Case No. 1:12-cv-800

Weber, J.
Bowman, M.J.

**SUPPLEMENTAL REPORT
AND RECOMMENDATION**

On November 1, 2012, the undersigned issued a Report and Recommendation, recommending that plaintiff's case be stayed pending resolution of the criminal charges against plaintiff. (Doc. 5). Prior to the docketing of the Report and Recommendation, plaintiff filed an amended complaint. (Doc. 4). Therein, plaintiff alleges that on October 13, 2011 the police conducted a search of a van without a search warrant. *Id.* at 5. Plaintiff claims he was improperly arrested and charged, as he claims he did not own or have access to the van. *Id.*

The allegations in the amended complaint do not alter the undersigned's recommendation that plaintiff's case be stayed pending resolution of his state criminal charges. Accordingly, after review of the amended complaint and for the reasons stated in the November 1, 2012 Report and Recommendation, it is recommended that plaintiff's case be stayed pending resolution of the criminal charges against plaintiff.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's case be **STAYED** pending resolution of the criminal charges against plaintiff.
2. The Clerk of Court is **DIRECTED** to administratively close the case.¹ If plaintiff desires to continue with this case after disposition of the criminal charges against him, he must request that

¹ This action is for statistical purposes only and does not affect plaintiff's right to request that the stay be lifted as directed above.

the stay be lifted within **thirty (30) days** of disposition of the criminal charges, unless an appeal is filed. If he appeals, any request to lift the stay must be filed within thirty days of completion of the appellate process.

3. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Court's Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO RECOMMENDED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).